

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

400R0197

HOUSE BILL NO. 1045

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to revise the definition of anabolic steroid, to provide for
2 the scheduling of tapentadol, lacosamide, and fospropofol as controlled substances, and to
3 declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 34-20B-4.1 be amended to read as follows:

6 34-20B-4.1. An anabolic steroid is any drug or hormonal substance, chemically and
7 pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids,
8 that promotes muscle growth and includes:

9 (1) Androstenediol:

10 (a) $3\beta,17\beta$ -dihydroxy-5 α -androstane;

11 (b) $3\alpha,17\beta$ -dihydroxy-5 α -androstane;

12 (2) Androstenedione (5 α -androstan-3,17-dione);

13 (3) Androstenediol:

14 (a) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-5 α - androst-1-ene);

15 (b) 1-androstenediol ($3\alpha,17\beta$ -dihydroxy-5 α - androst-1-ene);



- 1 (c) 4-androstenediol ($3\beta,17\beta$ -dihydroxy-androst-4-ene);
- 2 (d) 5-androstenediol ($3\beta,17\beta$ -dihydroxy-androst-5-ene);
- 3 (4) Androstenedione:
 - 4 (a) 1-androstenedione ($[5\alpha]$ -androst-1-en-3,17-dione);
 - 5 (b) 4-androstenedione (androst-4-en-3,17-dione);
 - 6 (c) 5-androstenedione (androst-5-en-3,17-dione);
- 7 (5) Bolasterone ($7\alpha,17\alpha$ -dimethyl- 17β -hydroxyandrost-4-en-3-one);
- 8 (6) Boldenone (17β -hydroxyandrost-1,4,-diene-3-one);
- 9 (7) Calusterone ($7\beta,17\alpha$ -dimethyl- 17β -hydroxyandrost-4-en-3-one);
- 10 (8) Clostebol (4-chloro- 17β -hydroxyandrost-4-en-3-one);
- 11 (9) Dehydrochloromethyltestosterone (4-chloro- 17β -hydroxy- 17α -methyl-androst-1,4-
- 12 dien-3-one);
- 13 (10) Δ^1 -dihydrotestosterone (a.k.a. '1-testosterone') (17β -hydroxy- 5α -androst-1-en-3-one);
- 14 (11) 4-dihydrotestosterone (17β -hydroxy-androstan-3-one);
- 15 (12) Drostanolone (17β -hydroxy- 2α -methyl- 5α -androstan-3-one);
- 16 (13) Ethylestrenol (17α -ethyl- 17β -hydroxyestr-4-ene);
- 17 (14) Fluoxymesterone (9-fluoro- 17α -methyl- $11\beta,17\beta$ -dihydroxyandrost-4-en-3-one);
- 18 (15) Formebolone (2-formyl- 17α -methyl- $11\alpha,17\beta$ -dihydroxyandrost-1,4-dien-3-one);
- 19 (16) Furazabol (17α -methyl- 17β -hydroxyandrostano[2,3-c]- furazan);
- 20 (17) 13β -ethyl- 17α -hydroxygon-4-en-3-one;
- 21 (18) 4-hydroxytestosterone (4, 17β -dihydroxy-androst-4-en-3-one);
- 22 (19) 4-hydroxy-19-nortestosterone (4, 17β -dihydroxy-estr-4-en-3-one);
- 23 (20) Mestanolone (17α -methyl- 17β -hydroxy- 5α -androstan-3-one);
- 24 (21) Mesterolone (1α -methyl- 17β -hydroxy-[5α]-androstan-3-one);

- 1 (22) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien- 3-one);
- 2 (23) Methandriol (17 α -methyl-3 β ,17 β - dihydroxyandrost-5-ene);
- 3 (24) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3- one);
- 4 (25) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane;
- 5 (26) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane;
- 6 (27) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 7 (28) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy- 17 β -hydroxyestr-4-en-3-
- 8 one);
- 9 (29) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)- dien-3-one);
- 10 (30) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11- trien-3-one);
- 11 (31) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- 12 (32) Mibolerone (7 α ,17 α -dimethyl-17 β - hydroxyestr-4-en-3-one);
- 13 (33) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α - androst-1-en-3-
- 14 one) (also known as 17- α -methyl-1-testosterone);
- 15 (34) Nandrolone (17 β -hydroxyestr-4-en-3-one);
- 16 (35) Norandrostenediol:
 - 17 (a) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
 - 18 (b) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
 - 19 (c) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
 - 20 (d) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- 21 (36) Norandrostenedione:
 - 22 (a) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 - 23 (b) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 24 (37) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);

- 1 (38) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- 2 (39) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- 3 (40) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
- 4 (41) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
- 5 (42) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en- 3-one);
- 6 (43) Oxymetholone (17 α -methyl-2-hydroxymethylene-17 β - hydroxy-[5 α]-androstan-3-
- 7 one);
- 8 (44) Stanazolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
- 9 (45) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
- 10 (46) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- 11 (47) Testosterone (17 β -hydroxyandrost-4-en-3-one);
- 12 (48) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
- 13 (49) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
- 14 (50) Boldione (androsta-1,4-diene-3,17-dione);
- 15 (51) Desoxymethyltestosterone (17 α -methyl-5 α -androst- 2-en-17 β -ol) (also known as
- 16 madol);
- 17 (52) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene- 3,17-dione); and
- 18 (53) Any salt, ester, or ether of a drug or substance described or listed in this section, if
- 19 that salt, ester, or ether promotes muscle growth.

20 The term, anabolic steroid, as defined in this section, does not include an anabolic steroid

21 which is expressly intended for administration through implants to cattle or other nonhuman

22 species. However, if any person prescribes, dispenses, or distributes such a steroid for human

23 use, the person shall be considered to have prescribed, dispensed, or distributed an anabolic

24 steroid within the meaning of this section.

1 Section 2. That § 34-20B-16 be amended to read as follows:

2 34-20B-16. Any of the following substances including their salts, isomers, and salts of
3 isomers is included in Schedule II except those narcotic drugs listed in other schedules whether
4 produced directly or indirectly by extraction from substances of vegetable origin, or
5 independently by means of chemical synthesis, or by a combination of extraction and chemical
6 synthesis:

7 (1) Opium, coca leaves, and opiate;

8 (2) Any salt, compound, derivative, or preparation of opium, coca leaves, or opiate,
9 excluding apomorphine, dextrophan, and naloxone;

10 (3) Any salt, compound, derivative, or preparation thereof which is chemically
11 equivalent or identical with any of the substances referred to in subdivisions (1) and
12 (2), except that these substances may not include decocainized coca leaves or
13 extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and
14 may not include the isoquinoline alkaloids of opium;

15 (4) Opium poppy and poppy straw;

16 (5) Amphetamine;

17 (6) Methamphetamine;

18 (7) Amobarbital;

19 (8) Pentobarbital;

20 (9) Secobarbital;

21 (10) Methylphenidate;

22 (11) Phenmetrazine;

23 (12) Etorphine;

24 (13) Diprenorphine;

- 1 (14) Deleted by SL 2000, ch 170, § 1;
- 2 (15) Nabilone;
- 3 (16) Glutethimide;
- 4 (17) Phencyclidine immediate precursors:
 - 5 (a) 1-phenylcyclohexylamine;
 - 6 (b) 1-piperidinocyclohexanecarbonitrile (PCC);
- 7 (18) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 8 ~~(19) Tapentadol.~~

9 Section 3. That § 34-20B-25 be amended to read as follows:

10 34-20B-25. The following are included in Schedule IV:

- 11 (1) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and
- 12 clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified
- 13 estrogens);
- 14 (2) Clonazepam;
- 15 (3) Clorazepate;
- 16 (4) Diazepam;
- 17 (4A) Flunitrazepam;
- 18 (5) Flurazepam;
- 19 (6) Mebutamate;
- 20 (7) Oxazepam;
- 21 (8) Prazepam;
- 22 (9) Lorazepam;
- 23 (10) Triazolam;
- 24 (11) Any substance which contains any quantity of a benzodiazepine, or salt of

1 benzodiazepine, except those substances which are specifically listed in other
2 schedules;

3 (12) Repealed by SL 2003, ch 183, § 4;

4 (13) Cathine;

5 (14) Fencamfamine;

6 (15) Fenproporex;

7 (16) Mefenorex;

8 (17) Pyrovalerone;

9 (18) Propoxyphene;

10 (19) Pentazocine;

11 (20) Diethylpropion;

12 (21) Ethchlorvynol;

13 (22) Ethinamate;

14 (23) Fenfluramine;

15 (24) Mazindol;

16 (25) Mephobarbital;

17 (26) Methohexitol;

18 (27) Paraldehyde;

19 (28) Pemoline;

20 (29) Petrichloral;

21 (30) Phentermine;

22 (31) Barbital;

23 (32) Phenobarbital;

24 (33) Meproamate;

1 (34) Zolpidem;

2 (35) Butorphanol;

3 (36) Modafinil, including its salts, isomers, and salts of isomers;

4 (37) Sibutramine;

5 (38) Zaleplon;

6 (39) Dichloralphenazone;

7 (40) Zopiclone (also known as eszopiclone), including its salts, isomers, and salts of
8 isomers;

9 (41) Pregabalin;

10 ~~(42) Lacosamide;~~

11 ~~(43) Fospropofol, including its salts, isomers, and salts of isomers.~~

12 Section 4. Whereas, this Act is necessary for the immediate preservation of the public peace,
13 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
14 effect from and after its passage and approval.